UNITED STATES GOVERNMENT

# memorandum

DATE: October 5, 1977

REPLY TO ATTN OF:

SUBJECT: Memorandum of Understanding - House Select Committee on Assassinations

TO: The Attorney General

From: Robert L. Keuch
Special Counsel to the Attorney General

RECEIVED OCT 5 1977 OFFICE OF THE ATTORNEY GENERAL

By memorandum dated September 28, 1977, a copy of which is attached for your information, I advised you that an open matter with the House Select Committee was the proper interpretation of one charge of the proposed "Memorandum of Understanding."

As noted in my previous memorandum, the area of dispute was the proper interpretation of the phrase "discuss" in conferences between myself and the Committee's Chief Counsel concerning the excisions made in the materials produced for the Committee. We have now agreed that this phrase is to mean that we will make available for review by Committee Counsel a random selection of unexcised documents, except for those documents that will disclose the identity of informants. I will make available for review unexcised documents which involve technical surveillances, surreptitious entries, mail covers and the like. Moreover, in those areas involving informants, we will provide as much information as possible to satisfy the Committee Counsel that the excisions are being done in a proper manner. In addition, where possible, we will consult with informants to see if they would agree to such limited dissemination.

It is anticipated that those documents which we will not produce as part of this procedure and as to which we cannot otherwise satisfy the Committee's Chief Counsel, a class of documents which should be very small, will be put aside for further consideration when the Committee's investigation has reached its first stage so that we can make a further decision as to whether access might be granted and the Committee can decide whether to accept our denials or to pursue the matter by subpoena and litigation.

With this legislative history, this Memorandum of Understanding is fully acceptable to the FBI and, in my judgment, serves the Department's interests very well. I recommend that you sign the attached memorandum.

Attachments